

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

RONALD W. BUNTON §  
VS. § CIVIL ACTION NO. 1:05cv300  
DIRECTOR, TDCJ-CID §

MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Ronald W. Bunton, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the petition. The magistrate judge recommends the petition be dismissed without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Petitioner filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. See FED. R. Civ. P. 72(b). After careful consideration, the court concludes the objections are without merit. Petitioner is no longer in

custody with respect to his misdemeanor conviction. The court has reviewed the file in Cause No. 1:04cv401. Contrary to Petitioner's assertions, there is no record that Judge Cobb determined Petitioner's rights had been violated. To the contrary, Judge Cobb noted that Petitioner had, while incarcerated, filed four prior suits that had been dismissed as frivolous. Further, petitioner has failed to exhaust his available state remedies with respect to his complaints concerning the revocation of his release on parole and his failure to be released on parole.

O R D E R

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing the petition.

So **ORDERED** and **SIGNED** this **31** day of **August, 2006**.

  
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Ron Clark, United States District Judge